

RESOLUTION OF THE  
HEALTH, EDUCATION AND HUMAN SERVICE COMMITTEE  
OF the 23<sup>rd</sup> Navajo Nation Council - Second Year, 2016

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING PLAN OF OPERATION FOR THE NAVAJO NATION DEPARTMENT OF CHILD SUPPORT ENFORCEMENT

BE IT ENACTED:

**Section 1. Authorities**

- A. Pursuant to 2 N.N.C. § 400 et seq., the Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council.
- B. Pursuant to 2 N.N.C. § 401(C), the Health, Education and Human Services Committee is authorized to amend plans of operation for programs it oversees, including programs within the Navajo Nation Division of Human Resources.

**Section 2. Findings**


- A. The Navajo Nation Council, by resolution CD-111-94, adopted the "Navajo Nation Child Support Enforcement Act." See Exhibit "C," attached hereto.
- B. The Navajo Nation Department of Child Support Enforcement is a program within the Navajo Nation Division of Human Services.
- C. The Navajo Nation Department of Child Support Enforcement, among its responsibilities, enforces child support orders. The program's Plan of Operation was last amended in 2003. See resolution GSCJY-53-03, Exhibit "B." It is in the best interests of the Navajo Nation the Plan of Operation for the Child Support Enforcement program be updated.

**Section 3. Approving Amendments to Navajo Nation Child Support Enforcement Plan of Operation**

The Navajo Nation hereby amends the Plan of Operation for the Navajo Nation Child Support Enforcement program as reflected in the attached Exhibit "A."

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Health, Education and Human Services Committee Of the 23<sup>rd</sup> Navajo Nation Council at duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 19<sup>th</sup> day of December, 2016.



Norman M. Begay, Vice-Chairperson  
Health, Education and Human Service Committee  
Of the 23<sup>rd</sup> Navajo Nation Council

Motion : Honorable Nathaniel Brown  
Second : Honorable Nelson BeGaye  
Vice-Chairperson not voting

**Exhibit "A"**

**PLAN OF OPERATION OF THE  
NAVAJO NATION DEPARTMENT OF CHILD SUPPORT  
~~ENFORCEMENT~~ SERVICES (NNDCSES)**

**I. ESTABLISHMENT**

The Navajo Nation Department of Child Support ~~Enforcement Services~~ (Hereafter referred to as NNDCSES) is hereby established as a Department within the Division of Human Resources, a Division within the Executive Branch of the Navajo Nation Government.

**II. PURPOSE**

The purposes of the ~~Navajo Nation Department of Child Support Enforcement~~ NNDCSS Office shall be:

± A. To administer child support ~~enforcement~~ services through administrative procedures. Child Support ~~enforcement~~ services include; locating absent parents and custodial parents; establishment of paternity; establishment of child support obligations and support orders; establishment of medical support; modification of child support obligations established by OHA; enforcing support orders; recognizing and enforcing foreign judgments, support orders and administrative agreements; collecting and disbursing child support ~~enforcement~~ payments according to the intent and purpose of the Navajo Nation Child Support Act (herein referred to as "the Act") and ~~other~~ applicable laws.

2 B. To exercise all powers and authority necessary and reasonable to carry out the purposes of ~~the Navajo Nation Child Support~~ "the Act" and other applicable Navajo Nation laws and regulations on child support enforcement services.

### III. LOCATION AND PLACE OF BUSINESS

1 A. The principal ~~place~~ location and headquarters of business ~~and the office of the Navajo Nation Department of Child Support Enforcement NNDCSS~~ shall be ~~at~~ in the vicinity of Window Rock, Navajo Nation, Arizona. ~~from which the Director will administer the day-to-day operations and supervision of all employees and offices under his/her supervision.~~

2 B. The ~~Navajo Nation Department of Child Support Enforcement NNDCSS~~ may also have agency offices at ~~such~~ other locations ~~or places~~ within the Navajo Nation as the activities of child support enforcement services shall require.

### III. PERSONNEL STAFFING AND ORGANIZATION

#### A. STAFFING PERSONNEL

1. The ~~Navajo Nation Department of Child Support Enforcement NNDCSS~~ shall be administered by a Director who shall be hired by and report to the Division

Director of the Division of Human Resources, in accordance with the Navajo Nation Personnel Policies and Procedures Manual. The Director will administer the day-to-day operations and supervision of all employees and offices under his/her supervision.

2. ~~The Department shall have Supervisors at the local agency that will be under the direct supervision of the Director.~~ NNDCSS Agency personnel shall be under the direct supervision of the local agency Supervisors. ~~The Child Support Enforcement Officers shall investigate cases and forward the cases to the legal counsels upon successful process of service to absent parents.~~

3. ~~The Navajo Nation Department of Child Support Enforcement Agency staff personnel shall be under the direct supervision of the local agency Supervisors.~~ The Child Support Enforcement Officers shall investigate child support cases and serve notify non-custodial parents of the Notice of Public Assignments to absent parents. ~~appear before the Office of Hearings and Appeals in Administrative proceeding under the Act.~~ Upon successful process of service to absent non-custodial parents, ~~the legal counsels shall appear on behalf of the Navajo Nation before the Office of Hearings and Appeals in Administrative proceedings.~~

4. NNDCCSES Administration shall be authorized to recruit additional professional, ~~technical~~ employees and clerical ~~positions~~ personnel as needed to carry out the ~~Organization Program's~~ Department's purpose

~~mission and intent as stated herein. Additional Policies and Procedures And within applicable budget rules established for conducting the annual Navajo Nation budget process.~~

5. NNDCSS shall hire Tribal Court Advocates and Legal Secretaries as agreed through a Memorandum of Agreement with the Navajo Nation Department of Justice. The recruitment of additional employees shall be in accordance to Navajo Nation Personnel Policies Manual and contingent upon availability of funds.

6. All personnel shall be employed and compensated in accordance with ~~applicable~~ the Navajo Nation Personnel Policies Manual and Annual Budget Instruction and Policies Manual.

#### B. ORGANIZATION

~~The Navajo Nation Department of Child Support Enforcement~~ NNDCSS shall be comprised of ~~such~~ programs and administrative components as may be deemed necessary, subject to legislative review and approval ~~of~~ by the Division of Human Resources and/or departmental Plan of Operation. ~~The Navajo Nation Department of Child Support Enforcement~~

#### C. ORGANIZATION CHART

The organizational chart of ~~the Navajo Nation Department of Child Support Enforcement~~ NNDCSS is attached as Exhibit "A" and incorporated by reference herein. Personnel added after the establishment of the

Department may be hired without change in this Plan of Operation or in the organizational chart so long as there is ~~appropriate~~ adequate funding available and the added positions ~~are fit~~ suitable within this plan.

#### IV. RESPONSIBILITY AND AUTHORITY

A. ~~The Navajo Nation Department of Child Support Enforcement~~ NNDCSS shall enforce statutes, including but not limited to, support guidelines, income wage withholding, and other laws and regulations which are required by Title IV-D of the Social Security Act, 45 CFR 309 as related to ~~F~~federal and Navajo Nation Laws.

B. ~~The Navajo Nation Department of Child Support Enforcement~~ NNDCSS shall monitor all legislation pertaining to child support ~~enforcement~~ services and shall inform the Navajo Nation government on new legislation and its impact on the services provided to the people within the Navajo Nation.

C. ~~The Navajo Nation Department of Child Support Enforcement~~ NNDCSS may initiate agreements between states and the Navajo Nation on child support ~~enforcement~~ services to be provided within the Navajo Nation by following Navajo Nation laws and legislative oversight.

D. NNDCSS staff shall administer child support services through administrative Navajo Nation Child Support procedures. Child Support services include; locating Non-



custodial parents and Custodial Parents, establishment of paternity, establishment of child support obligation and support orders, establishment of medical support, modification of child support obligation established by Office of Hearings and Appeals, enforcing support orders, recognizing and enforcing foreign judgments, orders and administrative agreements and collecting and disbursing child support payments according to the intent and purpose of the "the Act" and applicable laws.

E. The Child Support Enforcement Officers shall investigate cases and, upon successful process of service to ~~absent~~ non-custodial parents, forward the cases to the legal counsel for NNDCSS. The Case Management Specialist shall monitor and review all work performed by the clerical and Child Support Enforcement Officers. The Case Management Specialist shall be responsible for maintaining files of all cases on the hearing docket and ensure the cases have orders in timely manner.

F. The Legal Counsel for NNDCSS shall prepare and file Requests for Hearing to Office of Hearings and Appeals and represent the Navajo Nation at the administrative hearings. The Legal Counsel shall draft legal motions and pleadings to file with Office of Hearings and Appeals.

#### V. LEGISLATIVE OVERSIGHT

The ~~Navajo Nation Department of Child Support Enforcement~~ NNDCSS shall operate under the legislative oversight of the ~~Human Services~~ Health, Education and Human Services



Committee of the Navajo Nation Council, pursuant to 2  
N.N.C. ~~Section 604 (B) (5)~~ § 401.

VI. AMENDMENTS

This Plan of Operation may be amended ~~from time to time~~  
as necessary by the ~~Government Services upon recommendation~~  
~~of the Human Services~~ Health, Education and Human Services  
Committee of the Navajo Nation Council.



1  
2  
3 PLAN OF OPERATION OF THE  
4 NAVAJO NATION DEPARTMENT OF CHILD SUPPORT  
5 ENFORCEMENT SERVICES (NNDCSES)  
6

7 I. ESTABLISHMENT

8 The Navajo Nation Department of Child Support ~~Enforcement~~ Services (Hereafter  
9 referred to as NNDCSES) is hereby established as a Department within the Division of  
10 Human Resources, a Division within the Executive Branch of the Navajo Nation  
11 Government.  
12

13 II. PURPOSE

14 The purposes of the ~~Navajo Nation Department of Child Support Enforcement~~  
15 NNDCSS Office shall be:  
16

17 1 A. To administer child support ~~enforcement~~ services through administrative  
18 procedures. Child Support ~~enforcement~~ services include; locating absent parents and  
19 custodial parents; establishment of paternity; establishment of child support  
20 obligations and support orders; establishment of medical support; modification of  
21 child support obligations established by OHA; enforcing support orders; recognizing  
22 and enforcing foreign judgments, support orders and administrative agreements;  
23 collecting and disbursing child support ~~enforcement~~ payments according to the intent  
24 and purpose of the Navajo Nation Child Support Act (herein referred to as "the Act")  
25 and ~~other~~ applicable laws.  
26

27 2 B. To exercise all powers and authority necessary and reasonable to carry out  
28 the purposes of the ~~Navajo Nation Child Support~~ "the Act" and other applicable  
29 Navajo Nation laws and regulations on child support ~~enforcement~~ services.  
30

1 III. LOCATION AND PLACE OF BUSINESS

2  
3 1 A. The principal ~~place~~ location and headquarters of business ~~and the office~~ of the  
4 Navajo Nation Department of Child Support Enforcement NNDCSS shall be at in the  
5 vicinity of Window Rock, Navajo Nation, Arizona, ~~from which the Director will~~  
6 ~~administer the day-to-day operations and supervision of all employees and offices~~  
7 ~~under his/her supervision.~~

8  
9 2 B. The ~~Navajo Nation Department of Child Support Enforcement~~ NNDCSS may  
10 also have agency offices at ~~such~~ other locations ~~or places~~ within the Navajo Nation as  
11 the activities of child support ~~enforcement~~ services shall require.

12  
13 III. PERSONNEL STAFFING AND ORGANIZATION

14  
15 A. STAFFING PERSONNEL

16 1. ~~The Navajo Nation Department of Child Support Enforcement~~ NNDCSS  
17 shall be administered by a Director who shall be hired by and report to the  
18 Division Director of the Division of Human Resources, in accordance with the  
19 Navajo Nation Personnel Policies and Procedures Manual. ~~The Director will~~  
20 administer the day-to-day operations and supervision of all employees and offices  
21 under his/her supervision.

22 2. ~~The Department shall have Supervisors at the local agency that will be~~  
23 ~~under the direct supervision of the Director.~~ NNDCSS Agency personnel shall be  
24 under the direct supervision of the local agency Supervisors. ~~The Child Support~~  
25 ~~Enforcement Officers shall investigate cases and forward the cases to the legal~~  
26 ~~counsels upon successful process of service to absent parents.~~

27 3. ~~The Navajo Nation Department of Child Support Enforcement Agency staff~~  
28 ~~personnel shall be under the direct supervision of the local agency Supervisors.~~  
29 The Child Support Enforcement Officers shall investigate child support ~~C~~cases  
30 and serve notify non-custodial parents of the Notice of Public Assignments to

absent parents, appear before the Office of Hearings and Appeals in Administrative proceeding under the Act. Upon successful process of service to absent non-custodial parents, the legal counsels shall appear on behalf of the Navajo Nation before the Office of Hearings and Appeals in Administrative proceedings.

4. NNDCSES Administration shall be authorized to recruit additional professional, Technical employees and clerical positions personnel as needed to carry out the Organization Program's Department's purpose mission and intent as stated herein. ~~Additional Policies and Procedures And within applicable budget rules established for conducting the annual Navajo Nation budget process.~~

5. NNDCSS shall hire Tribal Court Advocates and Legal Secretaries as agreed through a Memorandum of Agreement with the Navajo Nation Department of Justice. The recruitment of additional employees shall be in accordance to Navajo Nation Personnel Policies Manual and contingent upon availability of funds.

6. All personnel shall be employed and compensated in accordance with ~~applicable~~ the Navajo Nation Personnel Policies Manual and Annual Budget Instruction and Policies Manual.

## B. ORGANIZATION

~~The Navajo Nation Department of Child Support Enforcement~~ NNDCSS shall be Comprised of such programs and administrative components as may be deemed necessary, subject to legislative review and approval of ~~by the~~ the ~~D~~ivision of Human Resources and/or departmental Plan of Operation. ~~The Navajo Nation Department of Child Support Enforcement~~

## C. ORGANIZATION CHART

The organizational chart of ~~the Navajo Nation Department of Child Support Enforcement~~ NNDCSS is attached as Exhibit "A" and incorporated by reference herein. Personnel added after the establishment of the Department may be hired

1 without change in this Plan of Operation or in the organizational chart so long as  
2 there is ~~appropriate~~ adequate funding available and the added positions ~~are fit~~ suitable  
3 within this plan.

#### 6 IV. RESPONSIBILITY AND AUTHORITY

8 A. The Navajo Nation Department of Child Support Enforcement NNDCSS shall enforce  
9 statutes, including but not limited to, support guidelines, income wage withholding, and other  
10 laws and regulations which are required by Title IV-D of the Social Security Act, 45 CFR  
11 309 as related to ~~F~~ederal and Navajo Nation Laws.

13 B. The Navajo Nation Department of Child Support Enforcement NNDCSS shall  
14 monitor all legislation pertaining to child support ~~enforcement~~ services and shall  
15 inform the Navajo Nation government on new legislation and its impact on the  
16 services provided to the people within the Navajo Nation.

18 C. The Navajo Nation Department of Child Support Enforcement NNDCSS may  
19 initiate agreements between states and the Navajo Nation on child support  
20 ~~enforcement~~ services to be provided within the Navajo Nation by following Navajo  
21 Nation laws and legislative oversight.

23 D. NNDCSS staff shall administer child support services through administrative  
24 Navajo Nation Child Support procedures. Child Support services include; locating  
25 Non-custodial parents and Custodial Parents, establishment of paternity,  
26 establishment of child support obligation and support orders, establishment of  
27 medical support, modification of child support obligation established by Office of  
28 Hearings and Appeals, enforcing support orders, recognizing and enforcing foreign  
29 judgments, orders and administrative agreements and collecting and disbursing child  
30



1 support payments according to the intent and purpose of the “the Act” and applicable  
2 laws.

3  
4 E. The Child Support Enforcement Officers shall investigate cases and, upon  
5 successful process of service to absent non-custodial parents, forward the cases to the  
6 legal counsel for NNDCSS. The Case Management Specialist shall monitor and  
7 review all work performed by the clerical and Child Support Enforcement Officers.  
8 The Case Management Specialist shall be responsible for maintaining files of all  
9 cases on the hearing docket and ensure the cases have orders in timely manner.

10  
11 F. The Legal Counsel for NNDCSS shall prepare and file Requests for Hearing to  
12 Office of Hearings and Appeals and represent the Navajo Nation at the administrative  
13 hearings. The Legal Counsel shall draft legal motions and pleadings to file with  
14 Office of Hearings and Appeals.

15  
16 V. LEGISLATIVE OVERSIGHT

17 ~~The Navajo Nation Department of Child Support Enforcement~~ NNDCSS shall  
18 operate under the legislative oversight of the ~~Human Services~~ Health, Education and  
19 Human Services Committee of the Navajo Nation Council, pursuant to 2 N.N.C. Section  
20 604(B)(5) § 401.

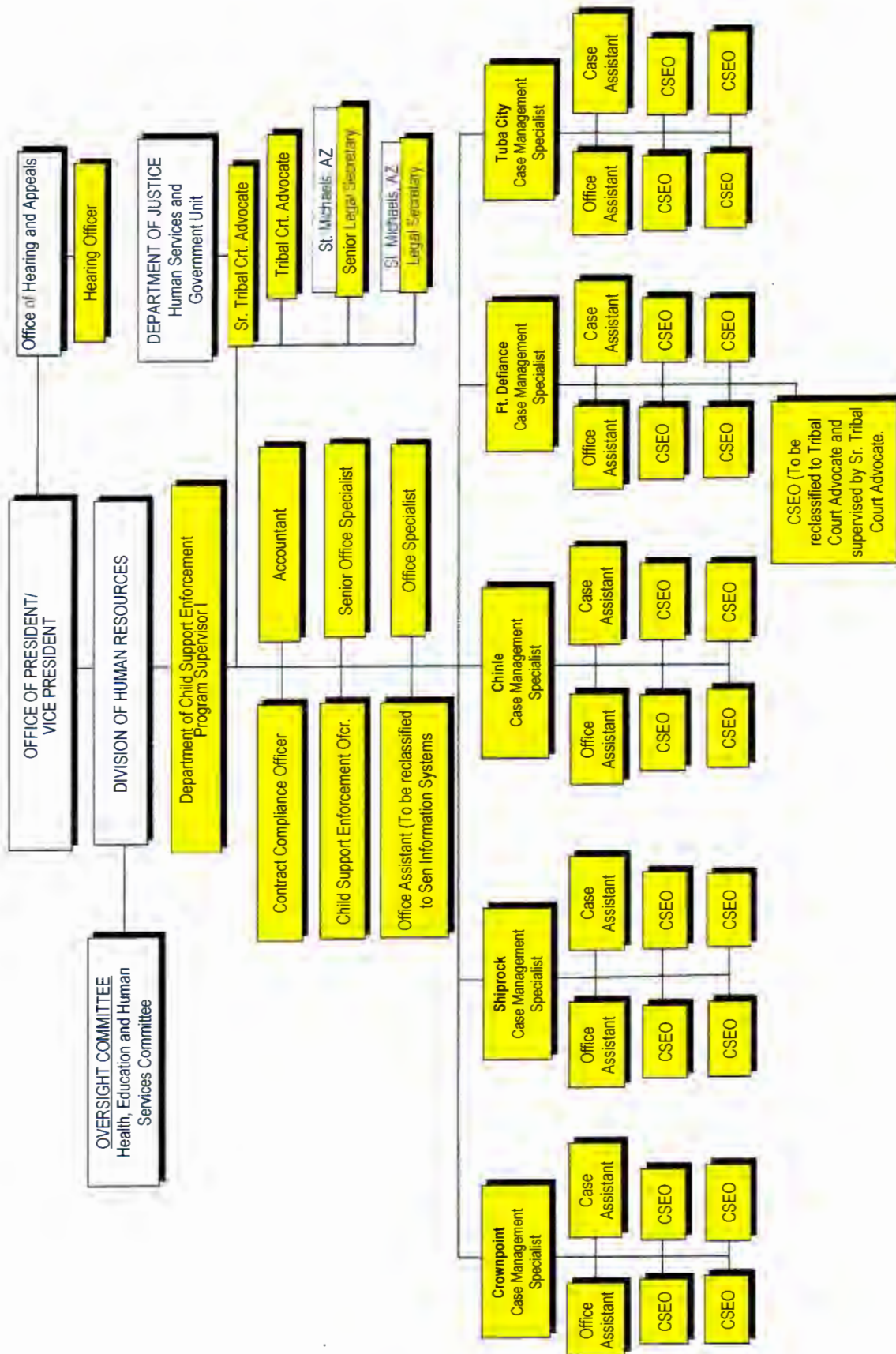
21  
22 VI. AMENDMENTS

23 This Plan of Operation may be amended ~~from time to time~~ as necessary by the  
24 ~~Government Services upon recommendation of the Human Services~~ Health, Education  
25 and Human Services Committee of the Navajo Nation Council.



# **NN DEPARTMENT OF CHILD SUPPORT ENFORCEMENT SERVICES** **ORGANIZATIONAL CHART**

## **EXHIBIT A**





GSCJY-53-03

**RESOLUTION OF THE  
GOVERNMENT SERVICES COMMITTEE  
OF THE NAVAJO NATION COUNCIL**

**Approving The Amendments To The Plan Of Operation For  
The Navajo Nation Department Of Child Support Enforcement  
Within The Division Of Human Resources**

**WHEREAS:**

1. Pursuant to 2 N.N.C. §341(A), as amended, the Government Services Committee of the Navajo Nation Council is established as a standing committee of the Navajo Nation Council; and
2. Pursuant to 2 N.N.C. §343(B)(2), as amended, the Government Services Committee of the Navajo Nation Council has the power to amend or rescind the Plan of Operation for any division or department of the Executive Branch of the Navajo Nation Government; and
3. By Resolution CS-60-02, the Navajo Nation Council approved the Navajo Nation 2003 Operating Budget, and Condition of Appropriation No. 35. The Division of Human Resources is to ensure the update of all Division of Human Resource Program's Plan of Operation approved prior to Year 2000; and
4. The Navajo Nation Department of Child Support Enforcement has amended its Plan of Operation in accordance with the Condition of Appropriation No. 35; and
5. Pursuant to Resolution HSCJN-29-03, the Human Services Committee of the Navajo Nation Council approved the amended Plan of Operation for the Navajo Nation Department of Child Support Enforcement.

**NOW THEREFORE BE IT RESOLVED THAT:**

The Government Services Committee of the Navajo Nation Council hereby approves the Amendment to the Plan of Operation for the Navajo Nation Department of Child Support Enforcement within the Division of Human Resources, attached hereto as Exhibit "A" and incorporated herein.

ORIGINAL

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting in Kayenta, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 15th day of July 2003.

  
Ervin M. Keeswood, Sr., Chairperson  
Government Services Committee

Motion: Charles S. Damon II  
Second: Leo R. Begay

ORIGINAL

**PLAN OF OPERATION OF THE  
NAVAJO NATION DEPARTMENT OF CHILD SUPPORT  
ENFORCEMENT (NNDCSE)**

**I. ESTABLISHMENT**

The Navajo Nation Department of Child Support Enforcement (Hereafter referred to as NNDCSE) is hereby established as a Department within the Division of Human Resources, a Division ~~of~~ within the Executive Branch of the Navajo Nation Government.

**II. PURPOSE**

The purpose of the Navajo Nation Department of Child Support Enforcement Office shall be:

1. To administer child support enforcement services through an administrative procedures. Child support enforcement services include; Locating absent parents, establishment of paternity, establishment of support orders, establishment of medical support, enforcing support orders, recognizing and enforcing foreign judgments, orders and administrative agreements and collecting and disbursing child support enforcement according to the intent and purpose of the Navajo Nation Child Support Act, (herein referred to as "the Act") and other laws.
2. To exercise all powers and authority necessary and reasonable to carry out the purpose of the Navajo Nation Child Support Act and other applicable Navajo Nation laws and regulations on child support enforcement.

**III. LOCATION AND PLACE OF BUSINESS**

1. The principal place and headquarters of business and the office of the Navajo Nation Department of Child Support Enforcement shall be at Window Rock, Navajo Nation, Arizona.
2. The Navajo Nation Department of Child Support Enforcement may also have agency offices at such other locations or places within the Navajo



Nation as the activities of child support enforcement shall require.

#### IV. PERSONNEL AND ORGANIZATION

##### A. STAFFING

1. The Navajo Nation Department of Child Support Enforcement shall be administered by a Program Director who shall be hired by and report to the Executive Division Director of the Division of Human Resources, in accordance with the Navajo Nation Policies and Procedures.
2. ~~The Navajo Nation Department of Child Support shall have enforcement officers under the direct supervision of the program Director. The Child Support Enforcement Officers shall investigate cases and appear before the Office of Hearing and Appeals in administrative proceedings under the Act. The Department shall have Supervisors at the local agency that will be under the direct supervision of the Director.~~
3. The Navajo Nation Department of Child Support Enforcement Agency staff personnel shall be under the direct supervision of the local agency Supervisors. The Child Support Enforcement Officers shall investigate cases and appear before the Office Of Hearing and Appeals in administrative proceedings under the Act.
4. ~~The Program Director~~ NNDCSE Administration shall be authorized to recruit additional professional technical employees and clerical positions as needed to carry out the organization purpose as stated herein. Additional positions shall be acquired in accordance with Navajo Nation Personnel Policies and Procedures and within applicable budget rules established for conducting the annual Navajo Nation budget process.
5. All personnel shall be employed and compensated in accordance with applicable Navajo Nation Personnel Policies and Procedures.

##### B. ORGANIZATION

The Navajo Nation Department of Child Support Enforcement shall be comprised of such programs and administrative components as may be deemed necessary, subject to legislative review and approval of ~~department and division and/or program~~ department Plan of Operation. The Navajo

Nation Department of Child Support Enforcement shall have a central office located in Window Rock, Arizona from which the Program Director will administer the day-to-day operations and supervision of all employees and offices under his/her supervision. ~~All offices under the program shall report to the Program Director at the central office in accordance with the Plan of Operation and Navajo Nation Personnel Policies and Procedures.~~

### **C. ORGANIZATION CHART:**

The organization chart of the Navajo Nation Department of Child Support Enforcement is attached as Exhibit "A" and incorporated by reference herein. Personnel added after the establishment of the Department may be hired without change in this Plan of Operation or in the organizational chart so long as there is appropriate funding available and the added positions fit within this plan.

### **V. RESPONSIBILITY AND AUTHORITY**

The Navajo Nation Department of Child Support Enforcement shall enforce statutes, including but not limited to, support guidelines, income wage withholding, and other laws and regulations which are required by Title IV-D of the Social Security Act as related to federal and Navajo Nation laws.

The Navajo Nation Department of Child Support Enforcement shall monitor all legislation pertaining to child support enforcement and shall inform the Navajo Nation government on ~~the impact new legislation and its impact will have on the services provided to the people within the Navajo Nation.~~

The Navajo Nation Department of Child Support Enforcement ~~shall~~ may initiate work to reach agreements between states and the Navajo Nation on child support enforcement services to be provided within the Navajo Nation by following Navajo Nation laws and legislative oversight.

### **VI. Legislative Oversight**

The Navajo Nation Department of Child Support Enforcement shall operate under the legislative oversight of the Human Services Committee of the Navajo Nation Council, pursuant to 2 N.N.C. Section 604 (B) (5).



## **VII. Amendments**

This Plan of Operation may be amended from time to time by the Government Services Committee of the Navajo Nation Council upon recommendation of the Human Services Committee of the Navajo Nation Council.

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graph TD
    subgraph Legislative_Branch [LEGISLATIVE BRANCH]
        L1[Navajo Nation Council]
        L2[Human Services Committee]
        L1 --- L2
    end

    subgraph Executive_Branch [EXECUTIVE BRANCH]
        E1[Office of the Navajo Nation President]
        E2[Office of Hearings and Appeals]
        E3[Office of the Attorney General]
        E1 --- E2
        E1 --- E3
    end

    subgraph Judicial_Branch [JUDICIAL BRANCH]
        J1[Department of Justice]
        J2[Tribal Court Advocate III]
        J1 --- J2
    end

    subgraph Navajo_Division_of_Human_Resources [Navajo Division of Human Resources]
        NDHR[NDCSE Administration  
Window Rock, AZ]
        NDHR --- NDHR_1[Attorney II (Hearing Officer)]
        NDHR --- NDHR_2[Northern Agency  
Shiprock NNDSCSE Office]
        NDHR --- NDHR_3[Central Agency  
Chinle NNDSCSE Office]
        NDHR --- NDHR_4[Eastern Agency  
Crownpoint NNDSCSE Office]
        NDHR --- NDHR_5[Ft. Defiance Agency  
NNDSCSE Office]
        NDHR_2 --- NDHR_2a[Western Agency  
Tuba City NNDSCSE Office]
        NDHR_2a --- NDHR_2b[Kayenta NNDSCSE Office]
        NDHR_4 --- NDHR_4a[Gallup NNDSCSE Office]
    end
  
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The organizational chart is structured as follows:

- LEGISLATIVE BRANCH**
  - Navajo Nation Council
    - Human Services Committee
- EXECUTIVE BRANCH**
  - Office of the Navajo Nation President
    - Office of Hearings and Appeals
    - Office of the Attorney General
- JUDICIAL BRANCH**
  - Department of Justice
    - Tribal Court Advocate III
- Navajo Division of Human Resources**
  - NDCSE Administration Window Rock, AZ
    - Attorney II (Hearing Officer)
    - Northern Agency Shiprock NNDSCSE Office
      - Western Agency Tuba City NNDSCSE Office
        - Kayenta NNDSCSE Office
    - Central Agency Chinle NNDSCSE Office
    - Eastern Agency Crownpoint NNDSCSE Office
      - Gallup NNDSCSE Office
    - Ft. Defiance Agency NNDSCSE Office

RESOLUTION OF THE  
HUMAN SERVICES COMMITTEE  
OF THE NAVAJO NATION COUNCIL

Recommending to the Government Services Committee Approval of the  
Amendment to the Plan of Operation for the Navajo Nation Department of Child  
Support Enforcement within the Division of Human Resources

WHEREAS:

1. Pursuant to 2 N.N.C. §§601 and 604 (B) (5), the Human Services Committee is established and continued as a standing committee of the Navajo Nation Council and the oversight authority for the Division of Human Resources; and
2. By Resolution CN-90-93, the Navajo Nation Council authorized the establishment of a Child Support Enforcement Program within the Division of Human Resources; and
3. By Resolution HSCJY-26-98, the Human Services Committee of the Navajo Nation Council adopted the Plan of Operation for the Department of Child Support Enforcement; and
4. By Resolution CS-60-02, the Navajo Nation Council, approved the Navajo Nation Fiscal Year 2003 Operating Budget, Condition of Appropriations, No. 35, the Division of Human Resources is to ensure the update of all DHR programs' Plan of Operations approved prior to year 2000; and
5. The Department of Child Support Enforcement has reviewed and revised the Plan of Operation, in accordance with Condition of Appropriation No. 35, attached as Exhibit "A".

NOW, THEREFORE BE IT RESOLVED THAT:

The Human Services Committee of the Navajo Nation Council hereby approves and recommends that the Government Services Committee approve the Plan of Operation for the Navajo Nation Department of Child Support Enforcement, attached hereto as Exhibit "A" and incorporated herein.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Human Services Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of (7) in favor, (0) opposed and (0) abstained, this 23<sup>rd</sup> day of June, 2003.



Larry Anderson, Chairperson  
**HUMAN SERVICES COMMITTEE**

Motion: Young Jeff Tom  
Second: Tom White, Jr.

Class "C" Resolution  
No BIA Action Required

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

Adopting the Navajo Nation Child Support Enforcement Act

WHEREAS:

1. Pursuant to 2 N.T.C. §102 (a), the Navajo Nation Council is established as the governing body of the Navajo Nation Government; and

2. The Navajo Nation Council acknowledges the financial difficulties and hardship Navajo children and families face from the lack of child support enforcement services within the Navajo Nation; and

3. The Navajo Nation Council affirms that all children have the right to receive adequate support and that all parents have the duty and responsibility to support their children; and

4. Due to the demonstrated need for child support enforcement services throughout the Navajo Nation, the Office of Navajo Women and Families, Division of Human Resources, has negotiated a Joint Powers Agreement with the State of New Mexico in the amount of \$150,000.00 of State and the appropriate matching federal funding for the development and implementation of child support enforcement services for cooperative tribal and state enforcement of child support enforcement orders in San Juan and McKinley Counties in New Mexico, attached hereto as Exhibit "A"; as part of the agreement with New Mexico, the Navajo Nation has agreed to develop legislation which meets federal requirements included in Title IV-D of the Social Security Act; and

5. The Navajo Nation Office of Navajo Women and Families is in the process of negotiating a similar agreement with the State of Arizona, after which it will try to reach a similar agreement with the State of Utah for cooperative enforcement of child support enforcement services; and

6. By Resolution HSCN-93-94, incorporated herein as Exhibit "B", the Human Services Committee of the Navajo Nation Council has reviewed the proposed legislation and recommends adoption of the Navajo Nation Child Support Enforcement Act; and

7. By Resolution HSSCN-122-94, incorporated herein as Exhibit "C", the Health and Social Services Committee of the Navajo Nation Council has reviewed the proposed legislation and recommends adoption of the Navajo Nation Child Support Enforcement Act; and



8. By Resolution JCN-19-94, incorporated herein as Exhibit "D", the Judiciary Committee of the Navajo Nation Council reviewed the proposed legislation and recommends adoption of the Navajo Nation Child Support Enforcement Act; and

9. Fifty chapters of the Navajo Nation have passed resolutions recommending adoption of the Navajo Nation Child Support Enforcement Act, such resolutions incorporated herein as Exhibit "E"; and

10. The Navajo Nation Council has reviewed the proposed legislation, attached hereto as Exhibit "F" and finds it to be in the best interests of the Navajo Nation to adopt the Navajo Nation Child Support Enforcement Act.

**NOW THEREFORE BE IT RESOLVED THAT:**


1. The Navajo Nation Council hereby adopts the Navajo Nation Child Support Enforcement Act and directs its inclusion in the Navajo Tribal Code as Title 9, Chapter 16.

2. The Navajo Nation Council hereby authorizes and directs the President of the Navajo Nation to execute the provisions of the Navajo Nation Child Support Enforcement Act.

3. The Navajo Nation Council further urges the States of Arizona and Utah to comply with Title IV-D of the Social Security Act and provide appropriate child support enforcement services to residents of the Navajo Nation through cooperative agreements for child support enforcement services similar to that between the Navajo Nation and the State of New Mexico.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 60 in favor, 3 opposed and 0 abstained, this 14th day of December 1994.

  
Nelson Gorman, Jr., Speaker  
Navajo Nation Council

DEC 16 1994  
Date Signed

Motion: Tom Y. Bahe  
Second: Henry Barber



1           Section 1 - Short Title: This Act shall be known as the  
2 Navajo Nation Child Support Enforcement Act.

3           Section 2 - Statement of Policy.

4           A. It is the public policy of the Navajo Nation to  
5 implement the values of Navajo common law regarding parentage and  
6 children. Children are the most valuable gift of creation. They  
7 must be loved and receive care. There is a parental duty to  
8 establish a child's parentage for identity in family and clan  
9 relations. Parents and relations have a duty to nourish and  
10 support children. Where there is disharmony in the family, parents  
11 will subordinate their interests in favor of their children.

12           B. Children shall be maintained, as completely as  
13 possible, from the resources of their parents. This Act  
14 establishes an administrative process for the establishment of  
15 parentage; the establishment, modification and enforcement of child  
16 support obligations; and adds remedies to those already existing  
17 for child support enforcement. This Act shall be liberally  
18 construed to effectuate the policy stated herein; and these  
19 remedies shall be in addition to, and not in lieu of, those in  
20 existing law.

21           C. The state agencies within the States of Arizona, New  
22 Mexico, and Utah which are charged with the statewide provision of  
23 services to individuals under Title IV(D) of the Social Security  
24 Act may utilize the administrative and judicial review processes  
25 provided for in this Act, to the extent that they negotiate  
26 agreements with the Navajo Nation for the performance of  
27 administrative functions by the Navajo Nation. Absent such

1 agreements, the Navajo Nation shall have no obligation to provide  
2 services under this Act to state Title IV(D) agencies. In no  
3 manner is this Act intended, nor is it to be deemed, to relieve the  
4 States of Arizona, New Mexico and Utah from providing equal  
5 protection of the laws of their respective states and the United  
6 States to their citizens.

7 Section 3 - Definitions

8 For purposes of this Act:

9 A. "Absent Parent" means a parent of (a) child(ren)  
10 either during the course of marriage or outside of marriage who is  
11 not providing the custodial parent with child support for the  
12 benefit of the child(ren), or who is bound by an administrative or  
13 court order to pay a child support obligation.

14 B. "Administrative Order" unless otherwise indicated  
15 means an order issued by the Office of Hearings and Appeals  
16 establishing and/or modifying parentage of and/or liability for  
17 public debt and/or child support for any child(ren).

18 C. "Child" means any person under the age of 18 who is  
19 not emancipated according to the laws of the Navajo Nation who is  
20 alleged to be the natural or adopted offspring of an absent or  
21 custodial parent.

22 D. "Child Support" means the financial obligation an  
23 absent parent has towards his or her child(ren), whether such  
24 obligation is established through judicial or administrative  
25 process, by stipulation of the absent parent, or by parentage of  
26 any child(ren). The financial obligation of an absent parent shall  
27 be met through the payment of monies and/or through the provision

1 of other goods and/or services, as ordered by the Office of  
2 Hearings and Appeals, or the courts.

3 E. "Court" shall mean any family court of the Navajo  
4 Nation or a court of another state or territory having jurisdiction  
5 to determine an absent parent's liability for child support.

6 F. "Court Order" means any order, judgment, or decree  
7 of a court establishing or modifying parentage for (a) child(ren)  
8 and/or liability for public debt and/or child support for any  
9 child(ren).

10 G. "Custodial Parent" means the parent who holds legal  
11 custody of the child(ren) pursuant to a court order, or who  
12 exercises physical custody of the child(ren) on the basis of  
13 agreement between the parents or the absence of one parent. The  
14 term custodial parent shall also include a guardian or custodian  
15 appointed by a court of competent jurisdiction.

16 H. "Division" unless otherwise indicated means the  
17 Navajo Nation Division of Human Resources, or its successor.

18 I. "Garnishment" means the process whereby an order is  
19 directed to an employer, bank or agent, holding monies or property  
20 of an absent parent, to make payments or deliver property to  
21 satisfy a child support obligation in accordance with the order.

22 J. "Gross Income" is income from any source, including  
23 but not limited to, salaries, wages, commissions, bonuses,  
24 dividends, severance or retirement pay, pensions, interest, trust  
25 income, annuities, capital gains, unemployment compensation,  
26 worker's compensation, disability insurance benefits, tips, gifts,  
27 prizes, and alimony. It includes in-kind and non-cash income.



1 calculated at reasonable market value.

2           K. "Income Tax Refund Interception" is a remedy whereby  
3 any income tax refund of an absent parent shall be intercepted  
4 directly from the United States, state, Navajo Nation, or other  
5 Indian Nation for the payment of public and/or support debt.

6           L. "Parent" means the natural or adoptive mother or  
7 father of a child.

8           M. "Parentage" means the condition of being the natural  
9 or adoptive mother or father of any child(ren) and includes both  
10 the paternity and maternity of any child(ren).

11           M. "Public Assignment of Child Support Rights" means  
12 the assignment of child support rights by the custodial parent to  
13 the Navajo Nation, or any state or federal agency. Such assignment  
14 may be in connection with the payment of benefits under the federal  
15 Aid to Families with Dependent Children (AFDC) to or for the  
16 benefit of any child(ren) by the Navajo Nation, or any state or  
17 federal agency, as a consequence of the failure of an absent parent  
18 to provide child support to any child(ren).

19           N. "State Lottery and Indian Gaming Winnings" means any  
20 and all monies and/or goods and/or services which are awarded to an  
21 individual as a consequence of a state and/or Indian Nation gaming  
22 operation.

23           O. "Child Support Rights" means the rights of a  
24 custodial parent to receive child support from an absent parent as  
25 determined under the law of the Navajo Nation or comparable laws of  
26 any other jurisdiction or territory.

27           P. "Wage Assignment" means a voluntary written

1 assignment of earned wages which is submitted by an employee to an  
2 employer, authorizing the employer to pay the earned wages of the  
3 employee to or for the benefit of a child.

4       O. "Wage Execution" is a remedy which can be included  
5 in an administrative or court order directing an employer to make  
6 payments to or for the benefit of a child from the earned wages of  
7 any employee.

8       Section 4 - Public Assignment of Child Support Rights,  
9 Establishment and Amount of Obligation.

10       A. Assignment

11       A public assignment of child support rights constitutes  
12 an obligation owed by the absent parent to the Navajo Nation, or  
13 any state or federal agency. The assignment may be connected to  
14 the payment of AFDC benefits to, or for the benefit of, the  
15 child(ren).

16       I. A custodial parent who receives AFDC benefits  
17 in his or her own behalf or for the benefit of a child shall assign  
18 all accrued child support rights for the AFDC beneficiary  
19 child(ren), to the Navajo Nation, or other federal or state agency  
20 which made AFDC payments to the custodial parent.

21       II. A custodial parent who does not receive AFDC  
22 benefits may apply for services from the Division under this Act  
23 upon their voluntary assignment of all accrued child support rights  
24 to the Navajo Nation. Provided, that the Division may charge non-  
25 AFDC recipient custodial parents fees for services provided under  
26 this Act, in accord with the fee schedule established pursuant to  
27 Section 11 of this Act.

1           III. The assignment of child support rights includes  
2 the right to prosecute any action to establish parentage, and to  
3 establish, modify, and/or enforce the amount of child support  
4 obligation, pursuant to this Act or any other provision of  
5 applicable Navajo Nation law. All such actions shall be brought in  
6 the name of the Navajo Nation, or such other federal or state  
7 agency which made AFDC payments to the custodial parents.

8           IV. The custodial parent shall have the right to  
9 refuse to assign support rights to the Navajo Nation, or other  
10 federal or state agency, for good cause, based upon the best  
11 interests of the child(ren).

12           B. Obligation

13           The absent parent's child support obligation shall be  
14 established through the administrative process provided in this  
15 Act, or by a voluntary agreement which meets the requirements of  
16 Section 16 of this Act.

17           I. The obligation shall commence at the time of  
18 the entry of the administrative order which establishes the amount  
19 of the child support payable by the absent parent, or on the date  
20 on which the absent parent signs the voluntary agreement.

21           II. If there is an administrative order, the amount  
22 of the child support obligation shall be the amount set in the  
23 administrative order.

24           III. Until there is an administrative order entered,  
25 the amount of the child support obligation shall be presumed to be  
26 the amount determined in writing by the Division as part of the  
27 administrative process established under this Act, in accordance



1 with the Navajo Nation Child Support Guidelines.

2 Section 5 - Notice of Public Assignment of Child Support  
3 Rights.

4 When the Navajo Nation or any other state and/or federal  
5 agency has received an assignment of child support rights, the  
6 Division may issue a Notice of Public Assignment of Child Support  
7 Rights. Service shall be by certified mail, restricted delivery.  
8 Provided, that where an attempt to serve by certified mail is  
9 unsuccessful, personal service shall be made by any person  
10 designated by the Division who has reached the age of eighteen (18)  
11 years, and who is neither identified as a child nor a custodial  
12 parent under the Notice of Assignment of Child Support Rights. The  
13 notice shall include:

14 A. A statement providing the name(s) of the child(ren)  
15 for whom parentage is alleged and for whom child support is being  
16 sought, and the name of the custodial parent;

17 B. A statement of the child support obligation accrued,  
18 and a demand for immediate payment, for those cases wherein a court  
19 or administrative order has established the child support  
20 obligation; or

21 C. A statement of the child support obligation which  
22 the Division has determined to be appropriate, in accord with the  
23 Navajo Nation Child Support Guidelines, for those cases in which no  
24 court or administrative order has established the child support  
25 obligation;

26 D. A statement that if the alleged absent parent  
27 disagrees with the claim of their parentage of the child(ren), the

1 amount of the child support obligation or the periodic payment  
2 required thereon, the alleged absent parent must file a written  
3 answer and request for hearing, within thirty (30) days of service,  
4 with the Division, which shall immediately transmit the written  
5 answer and request for hearing to the Office of Hearings and  
6 Appeals;

7         E. A statement that if no timely written answer is  
8 received, the Office of Hearings and Appeals shall enter an order  
9 in accord with the Notice of Public Assignment of Child Support  
10 Rights;

11         F. A statement that as soon as an administrative order  
12 is entered, the absent parent's property, without further notice or  
13 hearing, will be subject to collection action, including but not  
14 limited to wage execution, garnishment, income tax refund  
15 interception, state and Indian gaming winnings interception,  
16 attachment and execution on real property held in fee simple,  
17 whether located within or outside the boundaries of Navajo Indian  
18 Country and personal property wheresoever located;

19         G. A statement that the absent parent is responsible  
20 for notifying the Division of any change of address or employment;

21         H. A statement of all fees associated with the  
22 administrative child support enforcement process which may be  
23 charged against the absent parent;

24         I. A statement indicating that the entry of default  
25 against the absent parent will result in the entry of a self-  
26 executing judgment for wage execution in the amount of the public  
27 debt;

1           J. Such other information as the Division deems  
2 appropriate.

3           Section 6 - Navajo Nation Child Support Guidelines.

4           The Navajo Nation Supreme Court shall, following public  
5 hearings conducted by the Division and in accord with the  
6 requirements of 7 N.T.C. §601, establish a scale of minimum child  
7 support contributions. This scale shall be used to determine the  
8 amount an absent parent shall pay for support of his or her  
9 child(ren) pursuant to this Act.

10           A. The Navajo Nation Child Support Guidelines must, at  
11 a minimum:

12                   I. Take into consideration all gross income of the  
13 parents;

14                   II. Be based on specific descriptive and numeric  
15 criteria and result in a computation of an amount of child support  
16 which is sufficient to meet the basic needs of the child(ren) for  
17 housing, clothing, food, education, health care, recreation, and  
18 goods and services required by physical and/or mental disability;

19                   III. Provide for the child(ren)'s health care needs,  
20 through health insurance coverage which supplements those health  
21 care goods and services provided by the Federal Government, where  
22 appropriate;

23                   IV. The circumstances which may support a written  
24 finding on the record of a judicial or administrative proceeding  
25 for the award of child support, in reducing support contributions  
26 on the basis of hardship to the absent parent or other children  
27 while considering the best interest of the child(ren) who are the



1 subject of the judicial or administrative proceeding; and

2 V. Provide for review and revision, where  
3 appropriate, of the child support guidelines at least once every  
4 four years to ensure that the amounts provided for in the  
5 guidelines are periodically adjusted for increases or decreases in  
6 the costs associated with the care and support of children within  
7 the Navajo Nation.

8 B. The Supreme Court of the Navajo Nation shall accept  
9 and compile pertinent and reliable information from any available  
10 source in order to establish a scale of minimum support contri-  
11 butions. Copies of the scale shall be made available to the  
12 Division, the Office of Hearings and Appeals, courts, prosecutors,  
13 and persons admitted to the practice of law in the Navajo Nation,  
14 and shall be considered public records of the Navajo Nation.

15 Section 7 - Adjustments to Gross Income

16 A. When calculating the gross income of a parent for  
17 purposes of this Act, the following adjustments to gross income  
18 shall be made as deductions from gross income:

19 I. Amounts of court-ordered alimony and child  
20 support actually paid; and

21 II. Amounts necessary for minimal costs of food,  
22 shelter, clothing, and transportation in maintenance of the parent;  
23 and

24 III. Amounts paid in mandatory taxes and social  
25 security deductions.

26 B. The provisions of Section 7, subsection (A)  
27 notwithstanding, the best interests of the child(ren) shall take

1 precedence. Child support amounts shall be sufficient to provide  
2 for the basic needs of the child(ren). In cases wherein  
3 adjustments to gross income of a parent under Section 7, subsection  
4 (A)(ii), would result in insufficient child support to any of the  
5 children of the absent parent, the needs of the child(ren) shall  
6 take precedence over the needs of the absent parent.

7 Section 8 - Administrative Hearings.

8 A. Scheduling of Hearing

9 Upon receipt of a written answer from the alleged absent  
10 parent pursuant to Section 5 of this Act, the Office of Hearings  
11 and Appeals shall schedule a hearing before a hearing officer. The  
12 administrative hearing shall be held within the judicial district  
13 in which the custodial parent resides, unless another venue is  
14 agreed upon by the parties. Telephonic administrative hearings are  
15 permitted as well as the telephonic administration of oaths. The  
16 administrative hearing shall be scheduled within 30 days of the  
17 receipt of the written answer, unless continued for cause by the  
18 hearing officer.

19 B. Issues for Determination in Administrative Hearing

20 I) Parentage

21 Unless the alleged absent parent has stipulated to his or  
22 her parentage of the child(ren), the hearing officer shall  
23 determine whether the alleged absent parent is the parent of the  
24 child(ren). The hearing officer shall make a specific finding of  
25 fact regarding whether the alleged absent parent is the parent of  
26 the child(ren). The standard for proof of parentage shall be by  
27 clear and convincing evidence.



1           II) Amount of Child Support Obligation

2           The hearing officer shall establish the amount of the  
3 child support obligation of the absent parent by using the Navajo  
4 Nation Child Support Guidelines provided in Section 6. The hearing  
5 officer shall make a specific finding of fact regarding the amount  
6 of the child support obligation. The standard of proof for  
7 establishment of the amount of the child support obligation shall  
8 be by preponderance of the evidence.

9           C. Procedures

10           The hearing shall be conducted according to procedures  
11 established by the Office of Hearings and Appeals. These  
12 procedures shall provide due process to the parties and shall, at  
13 a minimum, authorize:

14           I. The inspection of property, examination and  
15 production of pertinent records, books, information, or evidence;

16           II. The subpoena of any person for testimony under oath  
17 concerning all matters related to the establishment of parentage  
18 and child support;

19           III. The admission of pertinent testimony and evidence  
20 upon which the issues of parentage and child support shall be  
21 determined; and

22           IV. The making of a permanent record of the proceedings,  
23 through electronic recording or other method.

24           D. Default

25           If the alleged absent parent fails to appear at the  
26 hearing, upon a showing of valid service, the hearing officer shall  
27 enter a decision and order of parentage, and child support

1 obligation pursuant to the notice. Within 20 days of the  
2 administrative hearing, the hearing officer shall enter an order  
3 stating the establishment of parentage, and the child support  
4 obligation of the absent parent.

5 E. Miscellaneous Content of Order

6 I. Each order for child support or maintenance  
7 payments shall include an order that the absent parent and  
8 custodial parent notify the Office of Hearings and Appeals of any  
9 change of employer or change of address within 10 days of such  
10 change.

11 II. In the event the order contains a determination  
12 of child support obligation, the order shall be in favor of the  
13 child through its custodial parent or guardian when the Navajo  
14 Nation, or other federal or state agency, is not making AFDC  
15 payments in behalf of the child.

16 III. In the event the order contains a determination  
17 of child support payments, the order shall provide for garnishment,  
18 wage execution, state and Indian gaming winnings and income tax  
19 refund interception as means for execution on any unpaid child  
20 support obligation.

21 F. Modification of Order

22 The child support obligation of an absent parent may,  
23 after entry of an administrative order, be modified prospectively  
24 upon entry of an order by the Office of Hearings and Appeals.  
25 Either parent may petition the hearing officer for an order based  
26 on a showing of a change of circumstances requiring the other  
27 parent to appear and show cause why the decision previously entered

1 should not be prospectively modified. The order to appear and show  
2 cause together with a copy of the affidavit upon which the order is  
3 based shall be served by the petitioning parent on the other parent  
4 in the same manner as the notice under Section 5 of this Act. A  
5 hearing shall be set not more than 30 days from the date of  
6 service.

7 Section 9 - Judicial Review

8 A. Appeal

9 1. The Navajo Nation Supreme Court shall hear  
10 appeals on the record from administrative decisions made by the  
11 Office of Hearings and Appeals pursuant to this Act.

12 2. Any party may secure judicial review of an  
13 administrative order made pursuant to this Act by filing an appeal  
14 with the Navajo Nation Supreme Court within twenty (20) days after  
15 the administrative decision is filed in the Office of Hearings and  
16 Appeals.

17 B. Appeal on Record

18 The appeal to the Navajo Nation Supreme Court shall be an  
19 appeal on the record established before the Office of Hearings and  
20 Appeals and shall be strictly limited to the issues of the  
21 parentage of the child(ren), the amount of public debt and child  
22 support liability of the absent parent.

23 C. Standard of Review

24 The Navajo Nation Supreme Court shall not reconsider  
25 questions of fact which have been determined by the Office of  
26 Hearings and Appeals. The Navajo Supreme Court may reverse or  
27 modify the decision of the Office of Hearings and Appeals if the



1 administrative findings, conclusions or decisions are, as a matter  
2 of law:

3           1. Clearly erroneous in view of the reliable,  
4 probative, and substantial evidence in the record, when viewed in  
5 its entirety; or

6           2. Arbitrary and capricious or characterized by  
7 abuse of discretion.

8           Section 10 - Docketing of Order.

9           A true copy of any administrative order made pursuant to  
10 Section 5 or 8 of this Act may be filed with the clerk of any Court  
11 in the Navajo Nation. The clerk shall docket the order in the  
12 judgment docket. Upon docketing, the order shall have all the  
13 force and effect of a docketed order of the Family court, including  
14 but not limited to the ability to enforce such an order pursuant to  
15 the Navajo Rules of Civil Procedure and the laws of the Navajo  
16 Nation.

17           Section 11 - Powers of the Division.

18           A. Except where otherwise indicated, the Division shall  
19 have the power to promulgate rules and regulations necessary to  
20 carry out the provisions of this Act.

21           B. The Division shall have the authority to conduct a  
22 child support enforcement program under this Act, including the  
23 authority to investigate claims of parentage and child support  
24 obligation, to locate absent parents, and to establish and modify  
25 child support obligations through the administrative process  
26 contained in this Act.

27           C. Except where otherwise indicated, the Division shall

1 have the power to certify to official acts.

2 D. The Division shall have the power to require alleged  
3 absent parents to undergo blood testing and/or DNA testing, in  
4 accordance with rules and regulations promulgated by the Division,  
5 for the purpose of obtaining evidence relevant to the parentage of  
6 child(ren). Navajo traditional and customary objections to blood  
7 testing and/or DNA testing shall not be a basis for refusal to  
8 undergo such testing. The Division may require the alleged absent  
9 parent to reimburse the Division for the costs of such blood  
10 testing and/or DNA testing.

11 E. The Division shall be exempt from any filing fees  
12 required of individuals in the courts of the Navajo Nation.

13 F. The Division shall have the authority to report the  
14 names and social security numbers of absent parents and the amounts  
15 of unpaid public and/or support debt to credit reporting bureaus,  
16 and professional licensing agencies.

17 G. The Division shall have the power to set or reset  
18 the schedule of fees required on the establishment and enforcement  
19 of public debt and child support, including application fees,  
20 filing and other fees associated with the administrative process.

21 H. The Division shall have the power to utilize funds  
22 which it collects pursuant to this Act through a revolving cost  
23 account for the operation of child support enforcement services,  
24 subject to appropriation of such funds by the Navajo Nation  
25 Council. Provided, that state and federal funds shall not be  
26 supplanted by fees collected by the Division.

27 Section 12 - Wage Execution and Garnishment.



1           A.   The Office of Hearings and Appeals may order wage  
2 execution in any order issued pursuant to Sections 5 or 8 of this  
3 Act. Wage execution shall be utilized in all cases wherein an  
4 employer of an absent parent can be identified.

5           B.   The Office of Hearings and Appeals may require  
6 garnishment of earnings to enforce a child support order pursuant  
7 to this Act in cases wherein wage execution may not be an available  
8 remedy, due to the lack of an identified employer, or for other  
9 reasons.

10           Section 13 - Wage assignments.

11           An absent parent may execute a wage assignment as will be  
12 sufficient to meet the child support obligation calculated by  
13 reference to the order of the Office of Hearings and Appeals, or a  
14 voluntary agreement entered into pursuant to Section 16 of this  
15 Act.

16           No employer shall refuse to honor a wage assignment  
17 executed pursuant to this Act. An assignment made pursuant to this  
18 section shall be binding upon the employer one (1) week after  
19 service upon the employer of a true copy of the assignment. ~~Payment~~  
20 of monies pursuant to a wage assignment shall serve as payment of  
21 all such wages assigned under any contract of employment. No  
22 employer may discharge or prejudice any employee because his wages  
23 have been subjected to an assignment for child support.

24           Section 14 - Exemption from limitation. Statute of  
25 limitations not applicable.

26           No support lien, wage assignment, or garnishment shall be  
27 deemed invalid or nonactionable due to the expiration of the

1 statute of limitations on any action for failure to provide child  
2 support or maintenance for any child(ren). No statute of  
3 limitations shall be effective to prevent the establishment,  
4 modification and/or enforcement of parentage and/or child support  
5 for any child from birth until the child reaches the age of  
6 eighteen (18).

7 Section 15 - Government records.

8 A. The Division may request and shall receive  
9 information from the records of all divisions, departments, boards,  
10 bureaus or other agencies of the Navajo Nation, and the same are  
11 authorized to provide such information as is necessary for this  
12 purpose.

13 B. The Division may make such information available  
14 only to those officials of the Navajo Nation which are authorized  
15 to locate parents who have failed to provide child support for  
16 their child(ren) to establish, modify, or enforce court orders for  
17 child support, or to establish parentage. This information may be  
18 given to them only upon their assurance that it will be used in  
19 connection with their official duties under the child support  
20 enforcement program.

21 C. Disclosure of information under this subsection  
22 shall comply with Section 402(a)(9) of the Social Security Act. In  
23 all support proceedings before the Office of Hearings and Appeals,  
24 there shall be compulsory disclosure by both parties of their  
25 respective financial status.

26 Section 16 - Enforceable voluntary agreement.

27 A. Content of Agreement

1 A custodial parent may enter into an agreement with the  
2 alleged absent parent.

3 I. At a minimum, the agreement shall establish the  
4 parentage of the child(ren) and the amount of child support which  
5 shall be paid by the absent parent to the custodial parent. In no  
6 circumstance will an agreement be approved or enforced which  
7 provides for a level of child support which is less than that  
8 provided for by the Navajo Nation Child Support Guidelines  
9 established pursuant to Section 6 of this Act.

10 II. By the terms of the agreement, the absent  
11 parent must submit personally to the jurisdiction of the Office of  
12 Hearings and Appeals for enforcement and modification of the  
13 agreement, and consent to entry of an administrative order in  
14 accordance with the terms of the agreement. The agreement may be  
15 obtained by the parties through their own actions, or utilizing the  
16 services of the Navajo Nation Peacemaker.

17 B. Submission and Filing of Agreement

18 I. In the event that no request for hearing has  
19 been filed with the Office of Hearings and Appeals under Section 5  
20 of this Act, and no action has been filed before a court, the  
21 voluntary agreement shall be submitted to the Division for approval  
22 and filed with the Division, which shall maintain the voluntary  
23 agreement in its records for possible modification and/or  
24 enforcement under the provisions of this Act.

25 II. In the event that an administrative hearing has  
26 been requested from the Office of Hearings and Appeals, the  
27 voluntary agreement shall be submitted to the Office of Hearings



1 and Appeals for its approval and enforcement under the provisions  
2 of this Act.

3 C. Timing of Agreement

4 I. Such agreement may be entered into at any time  
5 prior to the issuance of a final administrative order establishing  
6 or modifying parentage, or child support obligation, either before  
7 or after service of process, or at any time while said order is  
8 still in effect. No agreement shall be entered into before the  
9 birth of the child unless the Office of Hearings and Appeals finds  
10 that there are special circumstances making it advisable to do so.

11 2. The voluntary agreement shall be submitted to  
12 the Division or the Office of Hearings and Appeals for approval and  
13 enforcement. After said agreement is approved by the Division or  
14 the Office of Hearings and Appeals, it shall be filed but judgment  
15 shall not be rendered unless there is a default of the child  
16 support payments agreed upon, when, upon motion of the Division  
17 judgment shall be rendered and entered forthwith.

18 Section 17 - Writs of Assistance, Specific Performance,  
19 and Bonds

20 A. Upon application by the Division, The Navajo Nation  
21 Family court may issue a writ of assistance to enforce any court or  
22 administrative order issued pursuant to this Act. Administrative  
23 and court orders recognized through comity have res judicata  
24 authority.

25 B. The Navajo Nation Family court may specifically  
26 enforce any agreement made pursuant to this Act and approved by the  
27 Division, Office of Hearings and Appeals, or the Navajo Peacemaker.

1           C.   The Navajo Nation Family court may require a party  
2 to submit a commercial, personal surety, or other bond to satisfy  
3 the terms of an order issued pursuant to this Act, and enforce such  
4 bond in proceedings against the principal and sureties.

5           D.   The Navajo Nation Family court, upon a showing that  
6 an absent parent has failed to obey an administrative or court  
7 order to pay a support or public debt, will issue an order to show  
8 cause against the absent parent.

9           Section 18 - Foreign Orders and Comity

10          A.   Court and administrative orders, judgments or  
11 decrees of other Indian nations, states or federal agencies, which  
12 relate to child support enforcement are enforced in the Navajo  
13 Nation under the doctrine of comity. Authentic foreign orders will  
14 be enforced as an order of the Navajo Nation where the foreign  
15 tribunal had personal jurisdiction over the person claimed to be  
16 bound by the foreign order, personal service of process was made on  
17 such person, the administrative or court proceedings offered  
18 substantial justice to such person, and the order does not violate  
19 Navajo Nation public policy. For purposes of this Act, the Office  
20 of Hearings and Appeals shall have the authority to consider court  
21 and administrative orders, judgments or decrees of a foreign  
22 jurisdiction for comity recognition.

23          B.   A foreign order is authenticated by reasonable proof  
24 that the document tendered to the Office of Hearings and Appeals is  
25 a true copy of the foreign order as it is recorded in the agency or  
26 court of the issuing jurisdiction. An authentication stamp issued  
27 by a clerk of court or custodian of records, or a court seal, is



1 sufficient evidence of authenticity.

2 C. Unless defects in jurisdiction or public policy are  
3 apparent on the face of the foreign order, the burden is upon the  
4 person against whom it is to be enforced to contest the validity of  
5 the order. Upon a failure to respond to notice and the opportunity  
6 to contest the order, the Office of Hearings and Appeals may  
7 enforce it as a Navajo Nation order.

8 D. Where a foreign order is invalid by reason of a lack  
9 of personal jurisdiction in the agency or court of the issuing  
10 jurisdiction, the Office of Hearings and Appeals may adopt some or  
11 all of its provisions as an original order of the Office of  
12 Hearings and Appeals.

13 Section 19 - Request for Peacemaker Assistance

14 The Division may request the assistance of the Navajo  
15 Peacemaker in resolving parentage and child support issues, if  
16 agreed to by both the custodial parent and alleged absent parent.

17 Section 20 - Coordination of Peacemaker Courts

18 Peacemakers must coordinate their activities with the  
19 Division. Agreements reached through the peacemaking process must  
20 meet the requirements of Section 16 of this Act.

21 Section 21 - Temporary Support Orders.

22 In any action under the Domestic Violence Protection Act,  
23 any action affecting dissolution of marriage, or in any other  
24 action provided for under Navajo Nation law, wherein the Navajo  
25 Nation Family Court has made a temporary order concerning the care,  
26 custody, and suitable support or maintenance of the child(ren), the  
27 Division shall have the authority to enforce such order as set

1 forth by the Navajo Nation Family Court.

2  
3 Section 22 - Amendments.

4 This Act may be amended from time to time by the Navajo  
5 Nation Council upon recommendation of the Division of Human  
6 Resources, and the Human Services, Health and Social Services, and  
7 Judiciary Committees of the Navajo Nation Council.